

ORIGINAL

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Attorneys for Defendant
KIRK GREGORY DENINO

UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO
(HONORABLE EDWARD J. LODGE)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIRK GREGORY DENINO,

Defendant.

CR-04-189-S-EJL

UNOPPOSED MOTION
TO CONTINUE TRIAL

TO: THOMAS E. MOSS, UNITED STATES ATTORNEY
AARON N. LUCOFF, ASSISTANT UNITED STATES ATTORNEY

KIRK GREGORY DENINO, by and through his attorney, Thomas Monaghan,
for the Federal Defenders of Eastern Washington and Idaho, hereby moves this
honorable court to continue his trial, which is currently scheduled for December 13,
2004. This motion is based on the attached affidavit of counsel and is unopposed
by the government.

Mr. Denino respectfully requests the court to continue his trial date for no
less than ninety (90) days, based on the reasons set forth in counsel's affidavit.

Mr. Denino also respectfully requests the court to set a new deadline for the filing

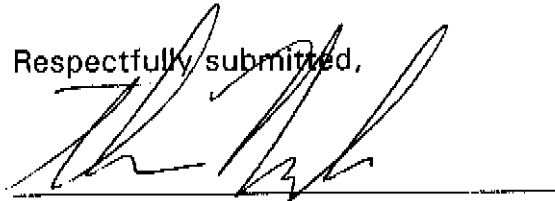
1 of any pretrial motions in this case.

2 Dated: November 3, 2004.

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Respectfully submitted,

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Thomas Monaghan
Federal Defenders of Eastern
Washington and Idaho, Attorneys for
KIRK GREGORY DENINO

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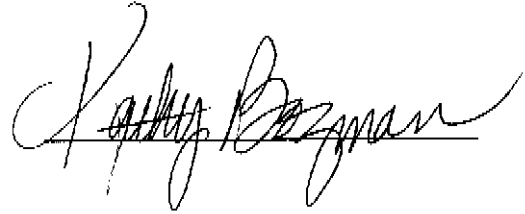
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CERTIFICATE OF SERVICE

I hereby certify that on this 3 day of ^{November}~~September~~, 2004, I served a true and correct copy of the foregoing UNOPPOSED MOTION TO CONTINUE TRIAL upon Aaron N. Lucoff, Asst. U.S. Attorney, MK Plaza, Plaza IV, 800 S. Park Blvd, Suite 600, Boise, ID 83712-9903, by U.S. Mail, postage prepaid

A handwritten signature in cursive script, appearing to read "Kathy Bazman", is written over a horizontal line.

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF IDAHO

3 UNITED STATES OF AMERICA,)
4 Plaintiff,) CR-04-189-S-EJL
5 v.) **ORDER**
6 KIRK GREGORY DENINO,)
7 Defendant.)
8

9 Before the court is the defendant's motion to continue his trial, which is
10 currently scheduled for December 13, 2004. The defendant indicates that he
11 requires additional time to conduct investigation related to his charges. The
12 government does not oppose the motion to continue.

13 The court finds, after a consideration of the circumstances of this case, that
14 the ends of justice would be best served by the granting of the motion for
15 continuance. The ends of justice outweigh the interest of the public and the
16 defendant in having the case brought to trial sooner. Accordingly, the defendant's
17 motion to continue is hereby **GRANTED**. The trial shall be **RESCHEDULED** to
18 _____, 2004 at _____ a.m./p.m. in Boise, Idaho. The deadline
19 for filing pretrial motions shall be _____, 2004.

20 Any and all period of delay resulting from the granting of this continuance,
21 from the date of the filing of the defendant's motion until the date of the scheduled
22 trial, shall be excludable time pursuant to 18 U.S.C. §3161(h)(1)(F) and (h)(8)(A),
23 (B)(I) and (ii).

24 **IT IS SO ORDERED.**

DATED this ____ day of November, 2004.

Edward J. Lodge
UNITED STATES DISTRICT JUDGE